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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

CALVIN CALLOWAY,

Plaintiff and Appellant,

v.

LOS ANGELES COUNTY  
METROPOLITAN  
TRANSPORTATION  
AUTHORITY,

Defendant and  
Respondent.

B298013

(Los Angeles County  
Super. Ct. No. BC685086)

APPEAL from a judgment of the Superior Court of Los Angeles County, Jon R. Takasugi, Judge. Affirmed.

Calvin Calloway, in pro. per., for Plaintiff and Appellant.

Kohrs & Fiske, Conrad Kohrs, and Stephan Mihalovits for Defendant and Respondent.

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Calvin Calloway appeals from a judgment entered after the trial court sustained a demurrer to his second amended complaint without leave to amend. We affirm the trial court's judgment.

### **BACKGROUND**

Based on Calloway's brief, the underlying dispute appears to arise from injuries Calloway claims he sustained on the morning of August 30, 2017 on a bus operated by the Los Angeles County Metropolitan Transportation Authority (LACMTA).<sup>1</sup> Calloway filed his original complaint on November 28, 2017. LACMTA demurred to the original complaint, and the trial court appears to have sustained LACMTA's demurrer with leave to amend. The docket suggests that Calloway filed a first amended complaint on September 10, 2018.<sup>2</sup> LACMTA again demurred, and the trial court sustained LACMTA's demurrer to Calloway's first amended complaint, again with leave to amend. Calloway filed a second amended complaint on November 26, 2018. LACMTA demurred to the second amended complaint, and the trial court sustained LACMTA's demurrer without leave to amend on January 23, 2019. The trial court entered an order dismissing the case with prejudice on May 10, 2019. Calloway filed a timely notice of appeal.

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<sup>1</sup> The record contains no documents from which we could derive a factual background for the parties' dispute. Although Calloway's original complaint is in the record, that complaint is devoid of factual allegations.

<sup>2</sup> The trial court docket reflects that Calloway filed a document entitled "Answer to Complaint." The next entry is a notice of hearing on a demurrer to the first amended complaint.

## DISCUSSION

Liberal­ly construed, Calloway’s brief contends the trial court erred when it sustained a demurrer to his second amended complaint without leave to amend. Ordinarily, we would review the operative complaint de novo to determine whether it alleges facts stating a cause of action under any theory. (*Preven v. City of Los Angeles* (2019) 32 Cal.App.5th 925, 930.) This is not an ordinary case, however, because the record omits the operative complaint and any document from which we might discern its substance.

“[I]t is a fundamental principle of appellate procedure that a trial court judgment is ordinarily presumed to be correct and the burden is on an appellant to demonstrate, on the basis of the record presented to the appellate court, that the trial court committed an error that justifies reversal of the judgment.” (*Jameson v. Desta* (2018) 5 Cal.5th 594, 608-609; *Mack v. All Counties Trustee Services, Inc.* (2018) 26 Cal.App.5th 935, 940.)

In his brief, Calloway presents a basic statement of his allegations in this case: On the morning of August 30, 2017, Calloway was boarding a bus when the bus door hit him in the head and injured him. And while the record on appeal includes a copy of Calloway’s original complaint, that complaint does not contain even those basic allegations. The original complaint is a Judicial Council form complaint with various boxes checked, but the only factual allegations it includes are the date of the incident (August 30, 2017) and the place (“Los Angeles CA, Cre[n]shaw & Stocker”).

Moreover, it is not the *original* complaint at issue in this matter, but rather it is the second amended complaint. The

record contains no copy of the second amended complaint.<sup>3</sup> We are consequently left with no means to conduct our review.

Calloway argues that we are to ignore technical deficiencies in his pleadings because of his self-represented status. The argument, however, assumes that a record sufficient for our review exists in the first instance. We cannot say whether any problem the trial court found with Calloway's second amended complaint is merely technical because we have no copy of that complaint to review. And while we acknowledge that self-represented litigants may not have the same understanding of either substance or procedure as experienced attorneys, we may not hold self-represented litigants to different standards than we hold attorneys. (*In re Marriage of Furie* (2017) 16 Cal.App.5th 816, 824.)

Calloway has failed to carry his burden of providing an adequate record upon which we might review the trial court's judgment. Consequently, the trial court's judgment is affirmed.

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<sup>3</sup> The record also contains no settled statement, no reporter's transcript from any of the hearings on LACMTA's demurrers, no copies of briefs regarding demurrers to either the complaint or its first or second amendments, and no copies of any trial court order except the trial court's order dismissing the case with prejudice after sustaining LACMTA's demurrer to the second amended complaint without leave to amend.

**DISPOSITION**

The trial court's judgment is affirmed. Respondent is entitled to its costs on appeal.

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CHANEY, J.

We concur:

ROTHSCHILD, P. J.

BENDIX, J.